VILLAGE OF FONTANA ON GENEVA LAKE WALWORTH COUNTY, WISCONSIN

REGULAR MEETING of the COMMUNITY DEVELOPMENT AUTHORITY

(OFFICIAL MINUTES)

Wednesday, September 05, 2007 @ 6:00 PM

Chairman Turner called the regular monthly meeting of the CDA Board to order at 6:02 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Commissioners present: Roll call vote: Chairman Turner, Fisk, Hibbard, Petersen, Chanson, Wilson, & Bliss (Arrived @ 6:07 pm).

Commissioners absent: None

Also present: Village President Ron Pollitt (Arrived @ 6:21 pm), Mr. & Mrs. Jim Frost, Carol & Jamie Whowell, Village Engineer Joe Eberle (Ruekert-Mielke), Treasurer Peg Pollitt (Arrived @ 6:06 pm), Department of Public Works Director Craig Workman, Village Librarian Nancy Krei & CDA Executive Director Joseph A. McHugh.

Visitors Heard

Chairman Turner asked if there were any visitors who wished to be heard and no response was received.

Announcements

Chairman Turner asked the group to read the announcements listed on the agenda at their leisure and he reminded those present to vote in the upcoming election. Executive Director McHugh informed the group that Cary Kerger had requested to have the previously planned presentation removed from the agenda.

Approve Minutes

Commissioner Petersen/Commissioner Chanson 2nd made a MOTION to approve the minutes for meetings held on July 11, 2007 and August 01, 2007, and the MOTION carried without a negative vote.

Approval of Current Payables

Executive Director McHugh presented two separate Claims Payable Reports, prepared by Treasurer Pollitt, for respective totals of \$6,685.91 and \$53,206.27. Chairman Turner asked for an update on the budget status of current CDA projects, as regarded the current payables, and Executive Director McHugh noted that the Porter Court Plaza project was projected to exceed the 2007 CDA budget amount and would be funded from surpluses in other accounts which were coming in under budget. Commissioner Petersen/Commissioner Chanson 2nd made a MOTION to approve both Claims Payable reports, of \$6,685.91 and \$53,206.27 respectively, and the MOTION carried without a negative vote.

Finance Reports

Full Accounting Statement & Value Increment Calculations

Executive Director McHugh distributed updated versions of the Full Accounting Statement.

PRESENTATIONS

No Presentations

TID #1 Infrastructure Projects - Public Works Director Workman

Chairman Turner requested updates on on-going Infrastructure Projects from DPW Workman:

Fontana Boulevard Water Main Relay Project

Pay Request #2 | \$42,323.20 (Includes Change Orders: #1 & #2)

DPW Workman reviewed Pay Request #2, totaling \$42,323.20, for the Fontana Boulevard Water Main Relay Project and noted that the pay Request encompassed two change orders. Per DPW Workman, Change Order #1, for \$1,595.37, encompassed work requested to make minor irrigation changes on the beach, as well as to repair and replace two sewer services at the Lake Geneva Marine Building which conflicted with the underground work. Change Order #2, for \$27k, was for the surcharging work completed by Man Brothers on the site of the Porter Court Plaza, which had been previously authorized by the CDA for a total of \$27k.

Commissioner Petersen/Commissioner Chanson 2nd made a MOTION to approve Pay Request #2 for \$42,323.20, which included Change Order #1 for \$1,595.37 and Change Order #2 for \$27,000, and the MOTION carried without a negative vote.

Porter Court Plaza - Update / Schedule Review

DPW Workman updated those present on the status of the Porter Court Plaza project. He noted that the issuance of the Chapter 30 grading permit by the DNR had been delayed as a result of the recent rains. Beyond the Chapter 30 permit, the project necessitates an NOI ("Notice of Intent"), which he expects to be issued sometime within the next week. The project is expected to commence within the next week of two with the intention of reaching substantial completion yet this fall. Based on the present schedule, planting is expected to take place in the spring of 2008.

Wild Duck Road & Pedestrian Path - Update / Schedule Review

DPW Workman noted that the tree clearing portion of the project was nearing completion and stated that the work on the pedestrian underpass was anticipated to begin the following week. He explained to the group that there would be significant grading work at the intersection of Wild Duck and Dade in preparation for the delivery of the 3-part bridge structure. The project is targeted for substantial completion in the fall, including a base course of asphalt, with the final course of asphalt to be installed in the spring of 2008. Chairman Turner asked for clarification as to the number of trees cleared, and Executive Director McHugh informed that group that eleven total trees, located west of Dade Road and considered valuable by the Village of Fontana's tree ordinance, were removed to facilitate grading activities necessary for the construction of the underpass. The rest of the trees removed were identified as invasive species, such as Box Elder, Buckthorn, etc., by Landscape Architects from Terry Guen Design Associates, who were hired to oversee the project. Executive Director McHugh informed the group that the Park Commission was currently in the process of developing the landscape plan, which would be installed in the coming spring, and was planned to included approximately 50 to 70 new trees. Commissioner Chanson noted that although he supported the removal of invasive trees and scrub brush, he did not endorse the complete clear cutting of the site, and he did not wish to see Fontana left with nothing but blacktop. Chairman Turner reminded the group that the removal of the invasive trees was required to install the pedestrian path to the Duck Pond Recreation Area. Commissioner Petersen agreed that it would not have been possible to install the path without removal of the trees in the cut-zone. Commissioner Bliss offered that the grade did not have to be changed for the simple installation of a pedestrian trail, and Executive Director McHugh reviewed for the group that the driving forces in the overall design of the project were pedestrian safety and ADA accessibility standards. Commissioner Hibbard argued that the project area was going to be planted with new and better trees, such as oaks, and stated her opinion that it would be much improved over what was their originally. Commissioner Chanson offered that it would take years to see the benefits and asked for clarification as to the actual sizes of the trees planned for installation in the spring. Executive Director McHugh stated that the trees, depending on the species, would be anywhere from 2" to 4" in diameter, similar to the trees recently installed on STH 67. Commissioner Bliss stated that he did not see the rationale in removing trees and then spending money to replant them. Executive Director McHugh clarified that the landscape architect had marked several trees on the site for removal and replanting further up the road. The eleven native trees which required removal were simply too large to be successfully relocated with a tree spade. The rest of what was taken out was invasive trees and scrub brush. DPW Workman noted that beyond safety and accessibility objectives, one of the goals originally promulgated by the Park Commission was the return of the project area to a native prairie oak savannah. He further noted that the contractor had worked diligently to save the protected trees and was currently in the process of trying to save a few remaining oak trees, which were still located within the grading area. Commissioner Bliss stated that the Village should be more diligent in its protection of trees. Chairman Turner summarized the discussion by restating for the group that the removal of the trees had been decided upon by the Village and the CDA and was executed in order to accomplish the construction of a safer pedestrian path from STH 67 up to the Duck Pond Recreation Area.

Duck Pond - STS Consultants Update

Executive Director McHugh provided a brief history and overview of the project. STS Consultants were selected by the CDA through the RFP process for the execution of environmental engineering services on the site of the former dump located on Wild Duck Road. The firm had completed the majority of the field work and was preparing a report for review by the Village. A tentative appointment had been set for Thursday, October 13th to review the preliminary findings with staff. A formal presentation is being planned at a future joint meeting of the CDA and the Village Board. DPW Workman noted that STS Consultants still had a couple of "gas monitors" remaining on the site in deep wells in the range of 30 to 35 feet.

General Construction Updates

Chairman Turner informed the group that he had charged Executive Director McHugh with the task of managing the stream restoration projects along both sides of STH 67. Executive Director McHugh noted that he had been meeting with representatives from Agrecol, as well as DPW Workman, to coordinate the on-going work. Chairman Turner explained that recently he had been answering questions to residents who wished to understand why the area looked a little unkempt, and he was now asking everyone to be patient as the native plantings matured. Executive Director McHugh stated that the buffer area between the existing ditch line and the new roadway was the focus of current efforts, since the recent construction disturbance in that area made it more difficult to suppress fast growing invasive weeds while the native plants were getting established. He noted that it would take a few years to get the desired look of a mature weed-free prairie area.

TID #1 Development Projects

Mill Street Plaza (FairWyn, Ltd.) - Update

Executive Director McHugh explained that he was still working with Brian Pollard and the Geneva West Chamber of Commerce to organize an Open House on the site. The final date and time would be set once the pending DNR permits were issued and the construction was underway.

The Cliffs of Fontana (PAR Development) - Update

Chairman Turner provided a quick update on the Cliffs of Fontana project. He explained that several people had approached him with questions concerning the project, and he was reminding everyone that it was an abandoned quarry, which had been originally zoned commercial and multifamily. Several developers had walked away from the site, when PAR Development finally decided to develop the property. Per Chairman Turner, the village, the Plan Commission and the CDA had spent the last several years working with PAR Development. Several important issues, such as the "angle of repose", had been diligently researched and investigated. To ensure that the slopes remained intact, the developer worked with village consultants to develop proper landscaping methods and on-going maintenance programs. He noted that he had recently been in conversations with Mr. Bob Stewart, who owns a home on the edge of the bluff, and noted that he is happy that the 60 to 70 foot cliff at the edge of his property is finally being addressed. Commissioner Chanson asked for confirmation that the development plan for the property would include a berm across the

front of the development with substantial landscaping. He had always understood that once the project was finished it would be shielded from view as one drove by on the highway. Village Engineer Joe Eberle cautioned that you would still be able to see the development, but that there was a significant landscaping plan. He noted that part of the reason he was in town for the meeting, was so that he could review the finish grading in order that the contractor could commence with the landscaping along the front entrance. He further noted that the developer was approximately three days behind schedule due to the recent rains. Executive Director McHugh reminded those present that plans and renderings were on display in the Village Hall lobby.

General Business

New Abbey Monument Sign Proposal / Pedestrian Path Easement Update

Executive Director McHugh reminded the group that Mr. Cary Kerger had requested that the planned presentation be postponed to a future meeting, since the designer of the proposed sign, Terry Guen, was unable to attend. Chairman Turner noted that the sign being proposed did have an electronic feature. He further noted that the proposal included an additional sign for the restaurant. For zoning review purposes, Executive Director McHugh explained that he had already forwarded Mr. Kerger's materials to the Building and Zoning Department. From a zoning compliance standpoint, it was not simply a matter of "yes" or "no", since certain elements of the proposal would be subject to Plan Commission discretion through the CUP (Conditional Use Permit) process. Executive Director McHugh further explained that the sign proposal also triggered the CDA's review authority, since it was estimated to cost over \$10k. He reminded the group that the last time Mr. Kerger had presented the concept of a new sign, he was asked to come back when he had an actual design, which he has now done. Since the sign project could not be allowed without a formal recommendation from the CDA to the Village Board, Mr. Kerger is asking the CDA for feedback before he moves forward. Commissioner Chanson asked if there was a request for funding, and Executive Director McHugh noted that Mr. Kerger was interested in the CDA's facade grant program, and had also floated the concept of tying the sign into an agreement for access easements over the Abbey's fitness trails which run through the property. Chairman Turner offered that the CDA had certain objectives when approving or disapproving improvements within the district. He offered that if something was to come before the group which was completely out of character with the objectives, the group would say that it did not comply with what the Village envisioned for the district and would therefore not be recommended. Commissioner Petersen questioned the electronic display component, and Chairman Turner offered that it should be reviewed from a zoning standpoint before returning to the CDA. Commissioner Chanson suggested requesting a review from the Building and Zoning Department and tabling the item until such time. Executive Director McHugh offered that the CDA could take no action at this time and move the application on to the Plan Commission, but that it tends to lead to a situation where an applicant runs through the entire process, only to have to come back for a final "go" or "no go" recommendation from the CDA; after all of the design work has been completed. In this case, suggested Executive Director McHugh, the CDA could determine if it had an interest in the proposal; add any requirements that they may deem appropriate; and move it forward. Conversely, the group could decide that it is completely opposed to concept, recommend denial and he would subsequently advise the applicant to abandon the application. Chairman Turner offered that if the Abbey wishes to improve its signage, he cannot see any reason the CDA would oppose it. Commissioner Bliss offered that the CDA spent considerable time drafting architectural guidelines which should aide and assist the Plan Commission in their deliberations. He further commented that the CDA shouldn't have any problem with signage improvement for any commercial entity in the village, as long as it conforms with the architectural guidelines and zoning.

Commissioner Bliss/Commissioner Chanson 2nd made a MOTION to recommend approval of the application put forth by Mr. Cary Kerger, acting on behalf of the Abbey, for the installation of new monument signage, subject to complete conformance with the Village of Fontana's Zoning Ordinance and the Architectural Standards, and the MOTION carried without a negative vote.

Chuck's Lakeshore Inn - Façade Improvement Concept Discussion

Chairman Turner introduced Jamie and Carol Whowell and requested an overview of their project. Mr. Jamie Whowell introduced their proposed "Restoration of Chuck's" project and noted that the changes were primarily cosmetic and that there would be no major changes to the structure itself. Executive Director McHugh explained to the group that Mr. and Mrs. Whowell were present for two purposes. First, their project triggered the CDA's statutorily required review authority, since it was estimated to exceed \$10k. Second, they were applying for reimbursement on certain elements of the project underneath the CDA's Façade Improvement program. Ms. Carol Whowell presented her conceptual plans and explained that they intended to return the building to the way it looked back in 1969, when Gordy Whowell originally purchased it. At that time, it was a white clapboard building that matched the houses along the lakefront in Glenwood Springs and Buena Vista. She noted that the CDA had often referred to their apartment building on Third Street as an example of what commercial development in the village should look like. She explained that they were now requesting to bring that exact look to Chuck's, with the understanding that the siding may be wider on the commercial building. In addition to siding, they intended to upgrade the roof to a more weathered color. As a white building, Ms. Whowell offered that it would match the new Beach House, the new Reid Park Restroom and Pavilion, and even the Lake Geneva Marine building, which had been recently resided with white siding. By using siding, she noted that the building would retain its appearance much longer that the current cycle of painting which looks good for a few years and then looks shabby for a few years until it is again repainted. She did note that they would need to paint the siding, the fences, and the garbage corrals in the back of the building. Ms. Whowell went on to note that she had originally considered installing new windows, but it was cost prohibitive. With respect to the Façade Grant Improvement program, Ms. Whowell stated that she wished to apply for reimbursement for the siding and roofing. Since parts of the roof are only 10 years old, it doesn't technically require replacement at this time, but they wish to change the color as part of the improvement. In addition, Ms Whowell reviewed her proposal to cover the exposed aggregate sidewalk in front of the building with grey decking. Again this decking material is a design choice taken from the Third Street apartment building. As part of the project, they are also planning to replace the existing step with a ramp, which has been a request to them from the Police Chief for quite some time. Chairman Turner pointed out that the plans showed a portion of the side patio was to be enclosed. Ms. Whowell acknowledged that in addition to the various items being presented for reimbursement under the grant program, they were looking to make additional improvements as well. One was a realignment of the sidewalk that runs up to the side of the building from across the park. She explained that since the side entrance had been recently modified, people were now wearing paths through the landscaping. As such, they wish to realign the path so that it terminates right at the side doorway. With the path moved, they would also like to bump out several sets of windows along the side and enclose a portion of the patio. She noted that they were not planning to increase the footprint of the building, since there was already a second floor above the area and flooring and foundations below it. Commissioner Chanson asked Ms. Whowell if she understood that the CDA would just be approving the concept and asked if she was planning to obtain the necessary building permits before proceeding, and she confirmed that she did. Commissioner Chanson asked if she was looking for conceptual approval from the CDA, and Ms. Whowell stated that she was hoping to move forward in the process without having to come back for another approval at the end of it all. Executive Director McHugh noted that the State Statutes required a recommendation from the CDA and approval from the Village Board for any work within the district over \$10k. He went on to comment that in more than a few municipalities, the CDA takes the front seat in the review process, but that in the Village of Fontana the Plan Commission was the group that typically delved into the details of a project. As such, the Whowell's are here tonight to gain a recommendation from the CDA so that they can move on with their project. Commissioner Chanson offered that it was going to look nice and that the group should recommended approval of the concept plan. Commissioner Fisk claimed that he was in favor of the concept and Commissioner Hibbard offered that it was going to look great. Commissioner Wilson stated that she thought the project was going to be wonderful.

Commissioner Chanson/Commissioner Bliss 2nd made a MOTION to recommend approval of the conceptual plan for the building improvements, as presented by Mr. and Mrs. Whowell, with the understanding that the Whowell's would not proceed without first obtaining the necessary permits and approvals, and the MOTION carried without a negative vote.

Chairman Turner turned to the Façade Grant Improvement application issue. Commissioner Chanson reviewed the cost estimates put forth by the Whowell's totaling \$40k. Ms. Whowell stated that they received several estimates on each of the elements of the project, and that they went out of their way to support local contractors. Executive Director McHugh reviewed the Whowell's request for a 25% reimbursement of the improvement costs, up to a total maximum of \$10k. He asked for direction from the group regarding the included elements, since the roofing would typically not be allowed under the program requirements adopted by the group. In this case the Whowell's are asking that it be considered since it is a cosmetic change which they feel is necessary to achieve a unified look. In response to a question from Commissioner Chanson regarding schedule, Executive Director McHugh noted that the Whowell's were anxious to get the work started since they were planning to be finished before the winter.

Commissioner Chanson/Commissioner Bliss 2nd made a MOTION to recommend approval of the façade grant improvement application presented by the Whowell's for their commercial building ("Chuck's"), subject to complete conformance with the requirements of the Façade Improvement Grant Program, with the understanding that the roofing be included in the reimbursement calculations, for a total amount of 25% of the finished work, not to exceed \$10k, and the MOTION carried without a negative vote.

CDA Year End Report - 2006

Executive Director McHugh informed the group that since Mr. Pat Romenesko had now finished the statutorily required 30% audit of TID #1 for the Department of Revenue; Treasurer Pollitt was in the processing of finalizing the CDA's annual report and would be sending it to the overlying taxing jurisdictions.

<u>Village Board Report – Chairman Turner</u> Letter from Jim Frost – 156 Main Street

Chairman Turner introduced Mr. and Mrs. Jim Frost who were in attendance at the meeting. He explained for the group that when Main Street was reconstructed, the base of the road was lowered approximately 18 inches to accommodate the conversion from a rural cross-section to an urban cross-section with curb, gutter and sidewalk. As a result of the fact that the Frost's home sits high on the lot, the lowered road served to increase the pitch of their driveway beyond acceptable standards. Mr. Jim Frost explained for the group that his home was located at 156 West Main Street, which lies about half-way between the highway and the grade school, on the north side of the street. Chairman Turner reviewed the previous attempts by the Village to remedy the situation and acknowledged that the Frosts were still having problems. In reference to a letter submitted to the Village by the Frosts, Chairman Turner reviewed their proposed solution of lowering the elevation of the garage floor. Mr. Frost stated that the improvements to Main Street were completed to benefit the entire village and he felt that they were bearing a disproportionate share of the burden. Chairman Turner suggested that the CDA consider a 50/50 cost sharing arrangement with the Frosts to cover the estimated \$12k project. Commissioner Fisk asked if the lowering of the road had caused problems for any other homes on the street. DPW Workman explained that two property owners, the Frosts and the Novers, had submitted complaints shortly after the roadwork was completed. He further explained that the Novers issue with their property known as the Heritage House Bed & Breakfast had already been corrected. Per DPW Workman, it had been possible to correct the Novers' problem, since their driveway was longer. Commissioner Chanson asked if providing monetary assistance to the Frosts was going to result in additional claims being submitted by other property owners along the street. DPW Workman answered that the only the Noyers and the Frosts had reported problems after the project. Both of the driveways had since been replaced and the Novers were satisfied with the solution. The Frosts' driveway was not as long, and therefore was not able to be corrected to their

satisfaction. Mr. Jim Frost commented that their particular lot was unique in that it had a much steeper slope to the street. DPW Workman concluded that assisting the Frosts would not result in further claims.

Chairman Turner/Commissioner Hibbard 2nd made a MOTION to authorize a 50/50 cost sharing arrangement with the Frosts, not to exceed \$6k, to complete the proposed lowering of the garage floor on their property at 156 West Main Street, subject to the final completion of the work and submission of the paid receipts and invoices, along with the submission of a signature release, and the MOTION carried without a negative vote.

In reference to the earlier agenda item regarding the Cliffs of Fontana project, Mr. Jim Frost stated that they were very pleased with the work completed by PAR Development across the back of their property.

<u>Lakefront & Harbor Report - Commissioner Chanson</u>

Commissioner Chanson noted that at the last Lakefront and Harbor Committee meeting, the group was made aware that the Village of Fontana was not respecting its own ordinance which prohibited the launching of boats greater than 30 feet at the public launch. He offered that this, along with the fact that Fontana was the only municipality on the lake to offer a reduced rate to commercial launching operations, was in direct conflict with the CDA's and the Village's attempts to reduce the congestion at the launch and the lakefront. He offered that it did not make sense to spend upwards of one million dollars to improve the area, for the purpose of reducing congestion, if it was simply going to lead to an even greater capacity for launching boats. He further expressed his belief that it made no sense to attract commercial launching firms with a reduced \$7 charge per launch when residents were charged upwards of \$20 for the same service; especially if the village truly wanted to address the congestion problem on the lakefront. In summary, Commissioner Chanson suggested that the CDA not discuss any further improvements to the launch area until the village formally addressed its overall policies and made a final choice to either increase launches to the maximum extent possible on the public launch or to decrease the congestion by limiting the same. Chairman Turner noted that the concerns from the Lakefront and Harbor Committee had been brought to the Village Board by Committee Chairman Micki O'Connell. One of the suggestions she put forth was that the village either follows its own ordinance by limiting the size of boats launched, or that the Board formally changes the ordinance to allow larger boats. Commissioner Chanson requested that the Village Board addressed the rate issue at the same time. Commissioner Fisk noted that the CDA had no control over launch rates, but that it could postpone further plans to redevelop the lakefront. He further offered that spending money to redesign and reconstruct the area might not be necessary, if the Village could simply control the congestion by adjusting the rates. Chairman Turner agreed that the CDA should not consider further improvements until the Village Board had addressed the policy issue. Commissioner Bliss suggested that the Village Board take potential increased wear and tear on the ramp, due to increased use by larger boats, as a factor into their consideration of the rate issue. Commissioner Petersen commented that the CDA had already signed off on the concept of reducing the size of the boat trailer parking lot as a way to reduce congestion, but that the Village had yet been able to get it done. Commissioner Bliss offered that it may not be a popular solution, and that it may take a while to convince the consumer that the reduction is necessary for the health of both the lake and the community, but argued that the Village Board was going to have to make a decision to get it done.

Park Commission Report

No report provided at the meeting.

Executive Director Report

Executive Director McHugh stated that he had reviewed the status of all pertinent items during the course of the meeting and had nothing further to report.

Confirm Quorum for upcoming Meetings

Next Regular Monthly Meeting – October 03, 2007 @ 6:00 pm (No Closed Session Planned) Chairman Turner reminded the group that the next regularly scheduled meeting of the CDA would be Wednesday, October 03, 2007 at 6:00 pm.

Agenda Item Requests

Chairman Turner noted that the Executive Director's employment contract was set to expire and would need to be addressed at an upcoming meeting. Village President Pollitt noted that his group had made substantial progress on the Mill House Pavilion in the last couple of days, and he would be prepared to give an update at the next meeting. Chairman Turner asked that the Kinzie Street Reconstruction project be placed on the agenda. In reference to the Kinzie Street project, Commission Chanson cautioned that simply because the tax increment district was projecting a surplus that did not mean that it had to be spent.

Pending / Future Items

Mill House Park Structure (CDA Funding Commitment) – No Discussion
Ruekert Mielke Proposal – Little Foot & Reid Park Engineering Services – No Discussion
Industrialization of VOF Compost Operations (DPW Proposal) – No Discussion
Fontana-Walworth Pedestrian Grant Application – No Discussion
Fontana Boulevard Landscaping Project – No Discussion
Executive Director Employment Contract – No Discussion
2008 CDA Budget – No Discussion
STH 67 – Crispell Snyder Crosswalk Repair – No Discussion
Beach House Concession Door Repairs – No Discussion

Adjournment

Commissioner Chanson/Commissioner Bliss 2nd made a MOTION to adjourn the meeting at 7:04 pm, and the MOTION carried without negative vote.

Minutes prepared by: Joseph A. McHugh, CDA Executive Director

APPROVED: 03 OCTOBER 2007 - CDA